

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

GLENN BRODY,)	
Plaintiff)	
)	
v.)	No. 10-0604-CV-W-FJG
)	
SPECIFIED CREDIT ASSOCIATION, INC.,)	
Defendant.)	

ORDER

Pending before the Court is plaintiff's request for a forfeiture order (Doc. No. 20). On December 13, 2010, the Court granted plaintiff's motion for default judgment, in the total amount of \$4,382.00. On December 21, 2010, plaintiff filed an application for writ of execution, and a writ of execution was issued by the clerk's office on December 22, 2010. The writ was served on defendant on February 10, 2011.

Plaintiff asserts that defendant has failed to satisfy the judgment. Plaintiff now requests an order (1) directing the U.S. Marshals to seize and sell any of the personal property of defendant that is not exempt from seizure, as will be sufficient to satisfy plaintiff's demand, costs, and any statutory fees and expenses incurred; (2) if sufficient personal property of defendant is not found within our jurisdiction, to seize and sell any of the real property of defendant not exempt from seizure, as will be sufficient to satisfy plaintiff's demand, costs, and any statutory fees and expenses incurred; and (3) collect from the sale of the property enough money to pay the Marshals' statutory fees and expenses. Plaintiff gives no authority for this procedure, and does not specify any property that should be seized.

The Court is extremely reluctant to send the U.S. Marshals to seize unidentified personal or real property of defendant. Therefore, plaintiff's motion for forfeiture (Doc. No.

20) will be **DENIED**. Instead, the Court believes the proper next step of action in this matter would be for plaintiff to file a motion for a judgment debtor examination. See Fed. R. Civ. P. 69(a)(2); R.S. Mo. § 513.380.

The Clerk of the Court is directed to send a copy of this Order to defendant by regular United States mail and by certified mail, return receipt requested, at the following addresses:

Specified Credit Association, Inc.
2388 Schuetz Ave. Suite A-100
St. Louis, MO 63146

Brady E. Austin
The Austin Law Firm, LLC
9211 Phoenix Village Parkway
O'Fallon, MO 63368

IT IS SO ORDERED.

/s/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: 05/11/11.
Kansas City, Missouri.